



W.P.(MD) No.5236 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.5236 of 2023

D.Rajaram

... Petitioner

Vs

1.The Managing Director,
Indian Overseas Bank,
Central office, No.763,
Annasalai, Chennai-2.

2.The Branch Manager,
Indian Overseas Bank,
Nadaikkavoo Branch,
63 D, Nadaikkavoo Main Road,
Chethencode Post,
Kanyakumari District-629 153.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to vacate the possession of petitioner's Building vide Door No.5/62 A in S.No. 573/6 A of Nadaikkavoo Panchayat and the premises after paying arrears of rent and damages from January 2020.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.N.Dilipkumar



W.P.(MD) No.5236 of 2023

ORDER

WEB COPY

This Writ Petition is filed seeking a direction to the respondents to vacate the possession of petitioner's Building vide Door No.5/62 A in S.No.573/6 A of Nadaikavoo Panchayat and the premises after paying arrears of rent and damages from January 2020.

2. The learned counsel appearing for the petitioner would submit that though the petitioner purchased the subject property through a sale dated dated 10.01.2020, there was a dispute with regard to the ownership of the property between his vender and the other legal heirs. He would fairly submit that in this regard, a suit in O.S.No.43 of 2020 is pending before the Principal District Court, Kanniyakumari. The said suit was filed seeking for a declaration and other reliefs against the petitioner, respondents bank as well as the petitioner's vendor. Since the respondents did not pay the rent, they are bound to hand over the vacant possession of the building and its premises to the petitioner with the arrears of rent and damages. Since the respondents have not turned up to hand over the vacant possession of the building and its premises, the petitioner has filed this Writ Petition.



W.P.(MD) No.5236 of 2023

3. The learned counsel appearing for the respondents would submit that the petitioner has also filed a suit in O.S.No.201 of 2002 for eviction and the same was dismissed for default. He further submits that a suit in O.S.No.43 of 2020 is also pending before the Principal District Court, Kanniyakumari, where the petitioner, the petitioners vendor and the respondents bank were also arrayed as defendants. He further submits that they are ready to pay the rent, but the rights of the parties will have to be decided.

4. Considering the submissions made by both sides, this Court is of the view that since a suit in O.S.No.43 of 2020 is pending, it is not appropriate to issue any direction to the respondents to pay rent or to evict the premises because of non-payment of rent. Therefore, this Court directs the parties to agitate their rights before the pending suit in O.S.No.43 of 2020 and seek appropriate orders.

5. However, as far as the rental aspect is concerned, this Court is of the view that the interest of all the parties should be protected. Further, this Court finds that there is no impediment for the respondents to pay the rent. Therefore, this Court directs the respondents to pay the



W.P.(MD) No.5236 of 2023

arrears of rent as on today in the account, which was already maintained by the respondents for deposit of rent and thereafter, the said bank is directed to deposit the said amount to the credit of O.S.No.43 of 2020 on the file of the Principal District Court, Kanniyakumari, once in 6 months along with accrued interest if any. Once the rights of the parties are concluded, the person, who are entitled to right over the property, is permitted to withdraw the said amount subject to the outcome of the suit.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

15.12.2025

vsm

Index : Yes/No

NCC : Yes/No



W.P.(MD) No.5236 of 2023

To

WEB COPY

- 1.The Managing Director,
Indian Overseas Bank,
Central office, No.763,
Annasalai, Chennai-2.
- 2.The Branch Manager,
Indian Overseas Bank,
Nadaikkavoo Branch,
63 D, Nadaikkavoo Main Road,
Chethencode Post,
Kanyakumari District-629 153.
- 3.The Principal District Judge,
Kanniyakumar.



WEB COPY



W.P.(MD) No.5236 of 2023

KRISHNAN RAMASAMY, J.

vsm

W.P.(MD)No.5236 of 2023

15.12.2025